

M/41/0012

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JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

October 29, 2009

Corey Thurston  
Western Clay Company  
620 East State Hwy 24  
Aurora, Utah 84620

Subject: Review of Consolidated Notice of Intention to Commence Large Mining Operations,  
Western Clay Company, Bentonite Pits, M/041/0012, Sevier County, Utah

Dear Mr. Thurston:

The Division has completed a review of your Consolidated Notice of Intention to Commence Large Mining Operations for the Bentonite Pits. This is being considered an amendment by the Division since it also includes adding new areas to be mined as well as reducing your liability for areas that have been mined and subsequently reclaimed. The attached comments will need to be addressed before this amendment can be approved.

On July 30, 2009, we received an application to release 8.2 acres of the North Sheep Trail Pit. The grading work is satisfactory, but vegetation has not yet become established. Revegetation costs will need to remain in the surety calculation which will be revised as part of this overall amendment.

The comments are listed under the applicable Minerals Rule heading; please format your response in a similar fashion. Please address only those items requested in the attached technical review by sending replacement pages of the original mining notice using redline and strikeout text, so we can see what changes have been made. After the notice is determined technically complete and we are prepared to issue final approval, we will ask that you send us two clean copies of the complete and corrected plan. Upon final approval of the permit, we will return one copy stamped "approved" for your records.

The Division will suspend further review of the Notice of Intention until your response to this letter is received.

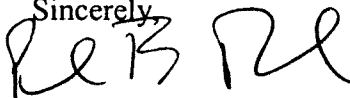


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If you have any questions in this regard please contact me at 801-538-5261 or Lynn Kunzler at 801-538-5310. Thank you for your cooperation in completing this permitting action.

Sincerely,

A handwritten signature in black ink, appearing to read 'PBB', written over the word 'Sincerely,'.

Paul B. Baker  
Minerals Program Manager

PBB:lk:vs  
Attachment: Review  
cc: John Blake, SITLA ([jblake@utah.gov](mailto:jblake@utah.gov))  
P:\GROUPS\MINERALS\WP\M041-Sevier\M0410012-BentonitePits\final\Rev-2820,3094-10262009.doc

**INITIAL REVIEW OF NOTICE OF INTENTION  
TO COMMENCE LARGE MINING OPERATIONS**

**Western Clay Company  
Bentonite Pits**

**M/041/0012  
October 29, 2009**

**R647-4-104 - Operator's, Surface and Mineral Ownership**

Comment #	Sheet/Page/Map/Table #	Comments	Initials	Review Action
1	3	Legal description is incorrect. The third line should be SE 1/4 of section 35 vs. the NE 1/4 section.	lk	

**R647-4-105 - Maps, Drawings & Photographs**

**105.3 - Drawings or Cross Sections (slopes, roads, pads, etc.)**

Comment #	Sheet/Page/Map/Table #	Comments	Initials	Review Action
2	Not Included	The NOI needs to include a long section and cross sections of each pit area, showing the extent of mining and the proposed final grade of the mined out area.	lk	

**R647-4-106 - Operation Plan**

**106.3 - Estimated acreages disturbed, reclaimed, annually**

Comment #	Sheet/Page/Map/Table #	Comments	Initials	Review Action
3	5	The table showing the estimated acreage identifies a total of 57.5 acres, yet the maps identify 67.4 acres. These figures should be the same. It is likely that this table was not updated to reflect the proposed 10.4 acres that will be disturbed with the new pit.	lk	

**106.5 - Existing soil types, location, amount**

Comment #	Sheet/Page/Map/Table #	Comments	Initials	Review Action
4	7	Please provide a copy of the NRCS soil survey descriptions for each soil type being affected by this operation. This material may be placed in an appendix with a reference to the appendix in the text.	lk	

**R647-4-113 - Surety**

Comment #	Sheet/Page/Map/Table #	Comments	Initials	Review Action
5	15	The surety calculations provided cannot be verified (lack of information in the plan, such as the cross sections, to verify volumes for backfill and grading). The Division provided a spreadsheet via email for your use in developing the reclamation cost estimate. Please include this completed spreadsheet with your response to this review. Please make sure you document the various volumes, acres, etc., and include (or exclude as the case may be) the reclamation work completed on the North Pit, showing only the revegetation costs associated with that area. This action will effectively combine your recent partial bond release request with the approval of this amendment.	lk	